

MONITORING INSTRUMENT ITEM REPORT

2013–14 Program Instruments

English Learner Online 2013–14

II. GOVERNANCE AND ADMINISTRATION

II-EL 04: Identification, Assessment, and Notification

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators II-EL 4. The LEA properly identifies, assesses, and reports all students who have a primary language other than English.

4.1 A home language survey (HLS) is used at the time of initial enrollment to determine the student's primary language. (Civil Rights Act of 1964 (Title IV); Equal Educational Opportunities Act of 1974 (EEOA); EC § 313; 5 CCR § 11511.).

4.2 Within 30 calendar days of initial enrollment, each student whose home language is other than English, as determined by the HLS, is assessed for English proficiency by means of the California English Language Development Test (CELDT). The assessment conducted follows all of the publisher's instructions. (EC § 313; 5 CCR §§ 11307(a), 11511.)

4.3 Parents/guardians of English learners are notified of their child's initial English language proficiency assessment results. Parents/guardians of initial fluent English-proficient students are notified of their child's English language proficiency assessment results. (EC § 52164.1(c); 5 CCR § 11511.5.)

4.4 For school districts receiving Title III funds, within 30 days after the beginning of the school year (or during the school year, within two weeks of child being placed in program), parents/guardians of English learners are notified of:

- (a) Their child's initial English language proficiency level
- (b) How such level was assessed
- (c) Their child's language designation
- (d) Descriptions of program options, educational strategies, and educational materials to be used in different options
- (e) Program placement
- (f) Exit criteria
- (g) For English learners with a disability [with an Individualized Education Program (IEP)], how such program will meet the objectives of the IEP
- (h) The expected rate of graduation from secondary school if funds under this part are used for children in secondary school. (20 U.S.C. §§ 6312, 7012.)

4.5 For school districts receiving Title III funds, parents/guardians of English learners are informed annually, not later than 30 days after the beginning of the school year, of:

- (a) Their child's English proficiency level
- (b) How such level was assessed
- (c) The status of the child's academic achievement
- (d) Their child's language designation
- (e) Descriptions of program options and educational materials to be used in different options
- (f) Program placement
- (g) Exit criteria
- (h) English learners with a disability (on IEPs), how such program will meet the objectives of the IEP
- (i) The expected rate of graduation from secondary school if funds under this part are used for children in secondary school (20 U.S.C. §§ 6312, 7012.)

4.6 Each English learner is annually assessed for English language development and academic progress. (5 CCR § 11306.)

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4.7 All currently enrolled English learners are assessed for English language proficiency by administering the CELDT during the annual assessment window. (5 CCR § 11511.1(b).)

4.8 Each English learner with disabilities is assessed for English language development using accommodations, modifications, or alternate assessments for the CELDT if specified in the pupil's IEP or 504 Plan. (5 CCR § 11516.)

4.9 Parents/guardians of English learners are notified annually of their child's English language proficiency assessment results within 30 calendar days following receipt of results of testing from the test contractor. (EC § 313; 5 CCR § 11511.5.)

(20 U.S.C. § 6312 (g); EC § 313 (a)-(c).)

Associated Documents

Required and Suggested Documents
EL LEA policies and procedures: identification, parent notification [r]
EL sample IEPs [r]
EL sample notifications of completed Title III letters[r]
EL sample of Home Language Surveys with students' names redacted [s]

Legal References

II. GOVERNANCE AND ADMINISTRATION

II-EL 07: Translation of Information for Parents

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators II-EL 7. The LEA provides parents with information on school and parent activities in a format and, to the extent practicable, in a language the parents can understand.

7.1 When 15 percent or more of students enrolled in a public school speak a single primary language other than English, as determined by language census data from the preceding year, all notices, reports, statements, and records sent to parents of such students are written in English and the primary language. (EC § 48985; 5 CCR § 11316.)

(20 U.S.C. § 6318 (e)(5).)

Associated Documents School language census data [r]

Required and Suggested Documents
EL phone logs [s]
EL school-to-home communications in other languages (report cards, parent handbook, progress reports, newsletters [s]

Legal References

II. GOVERNANCE AND ADMINISTRATION

II-EL 08: Inventory

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators II-EL 8. For all categorical programs, the LEA maintains an inventory record for each piece of equipment, with an

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acquisition cost of \$500 or more per unit, that is purchased with state and/or federal funds including EIA-LEP and Title III. The record describes the acquisition by:

- (a) Type
- (b) Model
- (c) Serial number
- (d) Funding source
- (e) Acquisition date
- (f) Cost
- (g) Location
- (h) Current condition
- (i) Transfer, replacement, or disposition of obsolete or unusable equipment

(EC § 35168; 5 CCR § 3946; 34 CFR § 80.32 (d) (I).)

Associated Documents

Required and Suggested Documents
EL inventory records of items bought with EIA-LEP and Title III funds [r]
EL invoices for budgeted items [r]
EL physical check of inventory [r]

Legal References

III. FUNDING

III-EL 11: EIA Funds Disbursed to School Sites

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators
III-EL 11. The LEA disburses categorical funds, including EIA-LEP and Title III, in accordance with the approved Consolidated Application and Reporting System (CARS).

11.1 For programs funded by EIA, the LEA utilizes no less than 85 percent of those apportionments at school sites for direct services to students. (EC § 63000, 63001.)

11.2 For programs funded by Title III, the LEA utilizes no less than 98 percent of those apportionments on direct services to English learners and may not use more than two percent of such funds for the cost of administering this program. (20 U.S.C. § 6825 (b).)

(EC §§ 62002, 64000(b)(c), 64001(g).)

Associated Documents
CARS (EIA-LEP and Title III pages) [r]

Required and Suggested Documents
Disbursement of EIA/LEP and Title III funds [r]

Legal References

V. STAFFING AND PROFESSIONAL DEVELOPMENT

V-EL 15: Teacher EL Authorization

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

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Compliance Indicators V-EL 15. Teachers assigned to provide English language development or access to core curriculum instruction for English learners are appropriately authorized or are actively in training for an appropriate EL authorization.

15.1 A LEA with a documented shortage of teachers authorized to provide such instruction has written, adopted, and implemented policies and procedures to remedy the shortage.
(20 U.S.C. §§ 6319 (a)(1), 6826 (c); EC § 44253.1, 44253.2, 44253.3, 44253.10; Castañeda v Pickard [5th Cir. 1981] 648 F.2d 989, 1009-1011.)

Associated Documents

Required and Suggested Documents EL LEA policy or plan to ensure all teachers are appropriately authorized [s]
EL teachers/interns in training [r]
List of teachers [r]

Legal References

VI. OPPORTUNITY AND EQUAL EDUCATIONAL ACCESS

VI-EL 18: Parental Exception Waiver

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators VI-EL 18. Parents and guardians of ELs are informed of the placement of their children in an English language classroom and are notified of an opportunity to apply for a parental exception waiver for their children to participate in an alternative program.

18.1 LEA procedures for granting parental exception waivers include the following:

(a) Parents and guardians are provided, on enrollment and annually, full written, and upon request, spoken descriptions of the structured English immersion program, English language mainstream program, alternative programs, and all educational opportunities available to the pupil. The descriptions of the programs shall include the educational materials to be used in the different options. (5 CCR §11309(a)(b)(1), EC § 310.)

(b) Parents and guardians are informed that a pupil must be placed for not less than 30 calendar days in an English-language classroom the first year of enrollment in a California school. (5 CCR § 11309(b)(2), EC § 311.)

(c) Parents and guardians are informed of any recommendation by the school principal and educational staff for an alternative program and are given notice of their right to refuse the recommendation. (5 CCR § 11309(b)(3), EC § 311.)

(d) Parental exception waivers are acted on within 20 instructional days of submission to the school principal. However, waivers submitted under EC § 311(c) must be acted on either no later than ten calendar days after the expiration of the 30-day English language classroom placement or within 20 instructional days of submission of the waiver, whichever is later. (5 CCR § 11309(c).)

18.2 Parental exception waivers shall be granted unless the school principal and educational staff determine that an alternative program offered at the school would not be better suited for the overall educational development of the pupil. (5 CCR § 11309(b)(4).)

18.3 If a waiver is denied, parents and guardians are informed in writing of the reason(s) for denial and advised that they may appeal the decision to the local board of education if such an appeal is authorized by the local board of education, or to the court. (5 CCR § 11309(d).)

18.4 Each school in which 20 or more pupils of a given grade level receive a waiver shall be required to offer such a class; otherwise they must allow the pupils to transfer to a public school in which such a class is offered. (EC § 310.)

18.5 The IEP team determines placement of each special education student regardless of language proficiency. (34 CFR § 300.324 (2)(ii).)

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(20 U.S.C. § 6312(g)(1)(A); EC 48985.)

Associated Documents

Required and Suggested Documents
Alternative bilingual program descriptions [r]
EL LEA policies/procedural guidelines for the alternative bilingual program options [r]
EL sample completed waiver forms approved/denied [r]

Legal References

VI. OPPORTUNITY AND EQUAL EDUCATIONAL ACCESS

VI-EL 19: Equitable Services to Private Schools

Updated 05/29/2013 by Administrator Administrator

SEA Status In Progress

Comments by SEA

Compliance Indicators VI-EL 19. For participating private schools, the LEA provides equitable educational services and benefits to address the needs of eligible school students, their teachers, and their families.

(a) Identification of students' needs. (20 U.S.C. §§ 6320 (b)(1)(A), 7881 (c)(1)(A).)

(b) What services and/or products will be offered. (20 U.S.C. §§ 6320 (b)(1)(B), 7881 (c)(1)(B).)

(c) Service delivery options, including services through a contract with a third-party provider. (20 U.S.C. §§ 6320 (b)(1)(C)(G), 7881(c)(1)(C).)

(d) Assessment and improvement of services. (20 U.S.C. §§ 6320 (b)(1)(D), 7881 (c)(1)(D).)

(e) The size and scope of services and the proportion of funds allocated. (20 U.S.C. §§ 6320 (b)(1)(E), 7881 (c)(1)(E).)

(f) Program delivery options. (20 U.S.C. §§ 6320 (b)(3), 7881 (c)(4).)

(g) Reasons for not using a contractor preferred by private school officials. (20 U.S.C. §§ 6320 (b)(1)(H), 7881 (c)(2).)

(h) The right to complain to the state educational agency that the local educational agency did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official. (20 U.S.C. §§ 6320 (b)(5)(A).)

(i) On an annual basis, the LEA has consulted with all private schools within its boundaries, as to whether the private schools' students and teachers will participate in the Title III, Part A, English Language Acquisition, Language Enhancement, and Academic Achievement Program as part of the ESEA programs available to them. (20 U.S.C. § 6320.)

(j) Parents participate on an equitable basis in parental involvement services and activities. (20 U.S.C. § 6320 (a)(1).)

(k) The LEA assesses identified students annually for English language proficiency using a valid and reliable instrument. (20 U.S.C. § 6320.)

(20 U.S.C. §§ 6320 (a)(1), 7881 (a)(1).)

Associated Documents

Required and Suggested Documents
EL LEA policies/procedural guidelines on private school participation [r]
EL list of private schools within the LEA's attendance boundaries [r]
EL private school parent involvement records [r]
EL records of private school affirmation, consultation, and services provided to private schools [r]

Legal References